

ORIGINAL



0000143598

BEFORE THE ARIZONA CORPORATION C
RECEIVED

Arizona Corporation Commission
DOCKETED

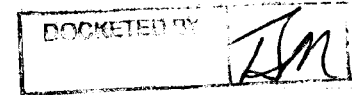
COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

2013 MAR 19 P 2: 56

MAR 19 2013

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL



IN THE MATTER OF THE APPLICATION
OF DII-EMERALD SPRINGS, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
SERVICES.

DOCKET NO. WS-20794A-11-0140

IN THE MATTER OF THE APPLICATION
OF DII-EMERALD SPRINGS, L.L.C. FOR
APPROVAL OF RATES.

DOCKET NO. WS-20794A-11-0279

IN THE MATTER OF THE APPLICATION
OF DOYLE THOMPSON FOR APPROVAL
OF A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE SEWER
SERVICES.

DOCKET NO. SW-20851A-12-0226

PROCEDURAL ORDER

BY THE COMMISSION:

On January 10, 2013, a Procedural Order was issued in this consolidated matter scheduling a hearing to commence on April 2, 2013, and establishing other procedural requirements and deadlines. Among those were requirements for the Commission's Utilities Division ("Staff") to file a consolidated Staff Report by March 1, 2013, and for the other parties to file any objections to the consolidated Staff Report by March 15, 2013. Pursuant to a Procedural Order issued on March 1, 2013, and in response to a Staff request for extension, those filing deadlines were extended to March 8 and 22, 2013, respectively. Staff's consolidated Staff Report, recommending denial of both Certificate of Convenience and Necessity ("CC&N") applications at issue in this case, was filed on March 8, 2013, and no response has yet been filed.

In addition to scheduling the hearing in this matter, the January 10, 2013, Procedural Order required that Doyle Thompson, by February 22, 2013, mail public notice of this matter to each property owner in the proposed CC&N service area and have public notice published at least once in a newspaper of general circulation in the proposed CC&N service area. The Procedural Order also required Mr. Thompson to file certification of the mailing and publication as soon as practicable after


1 the mailing and publication had been completed, but no later than March 8, 2013.

2 As of this date, Mr. Thompson has not filed certification of mailing and publication. Nor
3 have any public comments been filed that would suggest that such notice has been mailed and/or
4 published. **Unless** Mr. Thompson files certification of mailing and publication, showing that the
5 **mailing and publication were both accomplished by February 22, 2013**, as ordered, the **hearing**
6 **in this matter must be vacated and rescheduled to a later date.** If any notice has been provided,
7 however, a public comment proceeding must convene on April 2, 2013.

8 IT IS THEREFORE ORDERED that **Mr. Thompson shall, by March 25, 2013, file** either
9 **(1)** a certification of mailing and publication, establishing that the prescribed notice was mailed and
10 published by February 22, 2013, as ordered; **or (2)** an explanation of the notice actually provided,
11 along with an explanation for the delay in filing the certification of mailing and publication. Either
12 filing shall be accompanied by a **copy of any notice** mailed or published.

13 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
14 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
15 hearing.

16 DATED this 19th day of March, 2013.

17
18 
19 SARAH N. HARPRING
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered/e-mailed
this 19th day of March, 2013, to:

22 Henry Melendez
23 DII-EMERALD SPRINGS, L.L.C.
24 212 East Rowland Street, No. 423
Covina, CA 91723-3146
diigroup@aol.com

25 Julie A. LaBenz
26 LAW OFFICE OF JOHN C. CHURCHILL
27 1300 Joshua Avenue, Suite B
Parker, AZ 85344
28 jlabenz@johnccchurchill.com
Attorney for Emerald Springs HOA

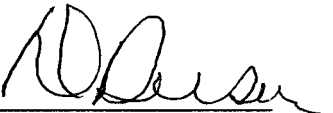
1 Steve Wene
2 MOYES SELLERS & HENDRICKS
3 1850 North Central Avenue, Suite 1100
4 Phoenix, AZ 85004
5 swene@law-msh.com
6 Attorney for Robhana, Inc. and Charles Dunn Capital, Inc.

7 Doyle R. Thompson
8 COPPER STATE GAME CLUB, R.V.
9 AND MOBILE HOME PARK
10 P.O. Box 287
11 Ehrenberg, AZ 85334
12 dcopperstate@hotmail.com

13 Janice Alward, Chief Counsel
14 Legal Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington Street
17 Phoenix, AZ 85007

18 Steven M. Olea, Director
19 Utilities Division
20 ARIZONA CORPORATION COMMISSION
21 1200 West Washington Street
22 Phoenix, AZ 85007

23 By:

24 

25 Debbi Person
26 Assistant to Sarah N. Harpring
27
28